



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAF) NO.674/2025 IN
FIRST APPEAL ST. NO.888/2024

VI.D.C. through its Executive Engineer, Amravati Project Construction Division,
Amravati Vs. Samir Raosaheb Toley and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri U.A. Gosavi, Advocate for applicant
Shri Paras Rathi, Advocate h/f Shri A.P. Deshmukh, Advocate for respondent Nos.1 & 2
Shri D.P. Thakare, Addl.GP for respondent Nos.3 and 4/State

CORAM : RAJ D. WAKODE, J.
DATE : 24.03.2026

1. Heard learned Counsel for applicant.
2. The present application is filed seeking condonation of a delay of 142 days in filing the First Appeal challenging the judgment dated 16.06.2023 passed by the Presiding Officer, Land Acquisition, Resettlement and Rehabilitation Authority, Nagpur in Case No. 4162/AMT/2020, pertaining to Mouza Panora, Taluka Daryapur, District Amravati.
3. Learned counsel for the applicant submits that the appellant is a Corporation and, after the impugned judgment, the matter was referred to the Chief Law Officer for obtaining an opinion as to whether an appeal should be filed. Upon receipt of the opinion, the case papers were handed over to the counsel, who accordingly prepared and filed the appeal. The appellant was also required to arrange

the requisite court fees and stamp duties. The delay in filing the present First Appeal has thus occurred on account of administrative procedures and is neither malafide nor intentional.

4. Shri Rathi, learned counsel for the respondents, submits that the applicant has not explained the delay on a day-to-day basis and, thus, no sufficient cause is made out for condonation of delay in filing the present First Appeal.

5. Having heard the learned Counsel for the parties and upon perusal of the application, which is supported by an affidavit, this Court is satisfied that the applicant has substantially explained the delay of 142 days in filing the First Appeal. The said delay is bonafide and has occurred on account of administrative procedures, and is neither malafide nor intentional. Accordingly, sufficient cause has been shown within the meaning of Section 5 of the Limitation Act for condonation of the delay.

6. In view of the above, the Civil Application is allowed.

7. The delay of 142 days in filing the First Appeal is hereby condoned.

8. The Civil Application is disposed of.

CIVIL APPLICATION NO. 675/2025

1. The present application is preferred under Order XLI Rule 5 of the Code of Civil Procedure, 1908, for grant of

stay to the impugned judgment during the pendency of the First Appeal.

2. Learned counsel for the applicant submits that the appeal is well-founded on merits and has a strong likelihood of success. Hence, during the pendency of present appeal the impugned judgment under challenge needs to be stayed.

3. Learned Counsel for applicant has pointed out that learned Authority has directed the appellant and respondent Nos.3 and 4 to pay the enhanced compensation along with the solatium and the interest as is mentioned in the judgment within a period of six months from the date of order. It is further submitted that, failing such compliance, there is every likelihood of execution proceedings being initiated. Hence, the appellant seeks stay of the impugned judgment.

4. For the reasons stated above, the application is allowed, subject to the condition that the appellant shall deposit the entire decretal amount along with interest within a period of 12 weeks from today before this Court.

5. Needless to mention that failure to comply with the aforesaid condition shall result in revocation of the stay.

6. The Civil application is disposed of.

(RAJ D. WAKODE, J.)